

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Robert G. Taub, Vice Chairman;
Mark Acton;
Tony Hammond; and
Nanci E. Langley

Complaint of Tyler, TX Local #1477
and Consumers of USPS

Docket No. C2013-7

ORDER EXTENDING TIME TO RESPOND
TO MOTION TO DISMISS

(Issued May 21, 2013)

On April 10, 2013, the Tyler, TX Local #1477 of the American Postal Workers Union (Complainant) filed a complaint arguing that the Postal Service's implementation of the Network Rationalization Plan violates 39 U.S.C. § 101(d), section 302 of the Postal Accountability and Enhancement Act of 2006, and the National Labor Relations Act.¹

On April 30, 2013, the Postal Service filed a Motion to Dismiss the Complaint, asserting that the Commission lacks jurisdiction to hear the Complaint.² Under the Commission's rules, a response to the Motion to Dismiss was due within 7 days of the

¹ Complaint of Tyler, TX Local #1477 & Consumers Regarding Failure to Revise and Update Information to the Union & Consumers on the AMP Study for East Texas P.& D. Center, April 10, 2013 (Complaint).

² Motion of the United States Postal Service to Dismiss Complaint, April 30, 2013 (Motion to Dismiss).

motion's filing. See 39 C.F.R. § 3001.21(b). The due date for filing a response has passed.

On May 16, 2013, in a related docket, the Mid-Hudson Area Local of the American Postal Workers Union (Mid-Hudson) filed a motion with the Commission to accept a late response and to extend the deadline to respond to the Motion to Dismiss.³ The Mid-Hudson Area Local seeks additional time to file a response on grounds that it was not aware that the Postal Service filed a Motion to Dismiss, and that any motions would not be sent by mail. *Id.* at 1.⁴ In a contemporaneously issued order, the Commission granted Mid-Hudson's request for an extension of time until June 3, 2013 to respond to the Postal Service's Motion to Dismiss. See Docket No. C2013-3, Order Granting Extension of Time to Respond to Motion to Dismiss, Order No. 1722, May 21, 2013.

Given the commonality of issues raised in the related complaint proceedings, Docket Nos. C2013-3 through C2013-9, and the lack of prejudice to any party, the Commission extends the deadline for the Complainant's answer to the Motion to Dismiss to June 3, 2013.

It is ordered:

The Complainant's answer to the Motion to Dismiss is due no later than June 3, 2013.

By the Commission.

Shoshana M. Grove
Secretary

³ Docket No. C2013-3, Mid-Hudson Area Local Motion to File Late Acceptance and Requesting an Extension to Respond to Motion to Dismiss, May 16, 2013.

⁴ Service of documents in Commission proceedings is governed by its rules. See 39 C.F.R. § 3001.12.